

## UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

ANGELIA GREEN,

No. C 14-04281 LB

Plaintiff,

**ORDER CONTINUING THE CASE  
MANAGEMENT CONFERENCE**

v.

CENTRAL MORTGAGE COMPANY,

Defendant.

On September 23, 2014, Plaintiff Angelia Green, who is proceeding pro se, filed a complaint against Central Mortgage Company (“Central Mortgage”). (Complaint, ECF No. 1.<sup>1</sup>) On September 26, 2014, the court denied her application to proceed *in forma pauperis*, ordered her to pay \$50 toward the filing fee, and did not order the U.S. Marshal to serve Central Mortgage with the complaint and summons. (9/26/2014 Order, ECF No. 5.) Ms. Green finally paid the \$50 fee on January 12, 2015, but it appears she still has not served Central Mortgage.

Federal Rule of Civil Procedure 4(m) provides in part: “If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” 120 days from September 23, 2014 was

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<sup>1</sup> Record citations are to documents in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of the documents.

1 January 21, 2015, so it is well-past the presumptive service deadline set forth in Rule 4(m).

2 To get this matter on track, the court orders Ms. Green to serve Central Mortgage with the  
 3 complaint and summons by March 31, 2015. The court also orders her to file proof of such service  
 4 by April 3, 2015. Failure to do so may result in dismissal of the case without prejudice for failure to  
 5 prosecute. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (court may dismiss an  
 6 action based on a party's failure to prosecute an action); *see also Pagtalunan v. Galaza*, 291 F.3d  
 7 639, 642 (9th Cir. 2002) (setting forth five non-exhaustive factors for the court to consider).

8 Because Ms. Green is proceeding pro se, the court attaches to this order a copy of the district  
 9 court's *Handbook for Litigants Without a Lawyer*. It provides instructions on how to proceed at  
 10 every stage of a case, including discovery, motions, and trial. It may be download a copy at  
 11 <http://www.cand.uscourts.gov>.

12 The court also informs Ms. Green that she may wish to seek assistance from the Legal Help  
 13 Center, a free service of the Volunteer Legal Services Program, by calling 415-782-8982, or by  
 14 signing up for an appointment on the 15th Floor of the Federal Courthouse in San Francisco, 450  
 15 Golden Gate Avenue, San Francisco, California. At the Legal Help Center, pro se litigants are able  
 16 to speak with an attorney who may be able to provide basic legal help but not representation.

17 In light of the foregoing, the court also continues the March 19, 2015 case management  
 18 conference to April 23, 2015 at 11:00 a.m. in Courtroom C, 15th Floor, United States District Court,  
 19 450 Golden Gate Avenue, San Francisco, California 94102.

20 **IT IS SO ORDERED.**

21 Dated: March 13, 2015

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 23 LAUREL BEELER  
 24 United States Magistrate Judge  
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